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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/615,847	07/10/2003	Masahiro Uchida	116505	9983
25944	7590	01/27/2005		
OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320				
EXAMINER PRENTY, MARK V				
ART UNIT 2822				
PAPER NUMBER				

DATE MAILED: 01/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/615,847

Applicant(s)

UCHIDA, MASAHIRO

Examiner

MARK V PRENTY

Art Unit

2822

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 November 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 9-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2,10,12,13 and 15 is/are allowed.
- 6) ☒ Claim(s) 1,3,5,6,9,11 and 14 is/are rejected.
- 7) ☒ Claim(s) 4,5,16 and 17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date August 18, 2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

This Office Action is in response to the papers filed on November 4, 2004.

A first Office Action in this case was mailed on August 4, 2004, and an Information Disclosure Statement was filed on August 18, 2004. An interview requested by the applicant was held on October 27, 2004, at which time the applicant's proposed response to the August 4, 2004, Office Action, including the following remark, was discussed. Specifically, the applicant's proposed response remarked: "An Information Disclosure Statement with Form PTO-1449 was filed in the above-captioned patent application on August 18, 2004. Applicant has not yet received from the Examiner an initialed copy of the Form PTO-1449 to acknowledge the fact that the Examiner has considered the disclosed information. The Examiner is requested to initial and return to the undersigned a copy of the Form PTO-1449. For the convenience of the Examiner, a copy of that form is attached. Applicant respectfully requests that the Examiner consider and return the original Form PTO-1449 with the next Office Action." The examiner respectfully noted during the interview that the Information Disclosure Statement filed on August 18, 2004, including a Form PTO-1449, was in the PTO file, but of course could not have been acknowledged in the Office Action of August 4, 2004. The examiner respectfully requested that the applicant's response not include a copy of the original PTO-1449 form because, contrary to the applicant's "for the convenience of the examiner," allegation, such would confuse the PTO record. The applicant's filed response nevertheless includes a copy of the original Form PTO-1449 form. The examiner again respectfully requests the applicant to please refrain from filing copies of previously entered PTO-1449 forms so as to avoid further confusion of the PTO record.

Claims 4 and 5 are objected to because "the light-emitting layer" (two instances in claim 4, one instance in claim 5) lacks antecedent basis (such should apparently read "the organic EL layer"). Correction is required.

Independent claim 6 is objected to because "The light-emitting device," should apparently read "A light-emitting device." Correction is required.

Independent claim 16 and 17 are objected to because "the light emitted in the light-emitting layer" should apparently read, "the light emitted in the light-emitting layers" (given that those claims earlier recite first and second light-emitting layers).

Claims 1, 3, 5, 6, 9, 11 and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Shimoda et al. (United States Patent 6,639,250 – hereafter Shimoda – already of record).

With respect to independent claim 1, Shimoda discloses a light-emitting device (see the entire patent, including the Fig. 1 disclosure), comprising: a first electrode 5/6/7; a second electrode 2/3; and a light-emitting layer 4 disposed between the first electrode and the second electrode; the first electrode 5/6/7 including both a transparent layer 5 to transmit the light from the light-emitting layer and a reflective layer 7 to reflect the light, and the thickness of the transparent layer being set so that light extracted from the light-emitting device out of light emitted in the light-emitting layer has a predetermined chromaticity value (see column 6, lines 61-67, for example).

Claim 1 is thus rejected under 35 U.S.C. 102(e) as being anticipated by Shimoda.

With respect to independent claim 3, Shimoda discloses a light-emitting device (see the entire patent, including the Fig. 1 disclosure), comprising: a substrate 1; a first electrode 2/3 disposed above the substrate; a light-emitting layer 4 disposed above the first electrode; and a second electrode 5/6/7 disposed above the light-emitting layer; the second electrode including both a transparent layer 5 to transmit the light from the light-emitting layer and a reflective layer 7 to reflect the light, and the thickness of the light-emitting layer and the transparent layer being set so that light extracted through at least the substrate out of light emitted in the light-emitting layer has a predetermined chromaticity value (see column 6, lines 61-67, for example).

Claim 3 is thus rejected under 35 U.S.C. 102(e) as being anticipated by Shimoda.

With respect to independent claim 5, Shimoda discloses an organic EL device (see the entire patent, including the Fig. 1 disclosure), comprising: a substrate 1; a first electrode 2/3 disposed above the substrate; an organic EL layer 4 disposed above the first electrode; and a second electrode 5/6/7 disposed above the organic EL layer; the second electrode including both a transparent layer 5 to transmit the light from the [organic EL] layer and a reflective layer 7 to reflect the light, and the thickness of the organic EL layer and the transparent layer being set so that light extracted through at least the substrate out of light emitted in the organic EL layer has a predetermined chromaticity value (see column 6, lines 61-67, for example).

Claim 5 is thus rejected under 35 U.S.C. 102(e) as being anticipated by Shimoda.

With respect to independent claim 6, Shimoda discloses [a] light-emitting device (see the entire patent, including the Fig. 8 disclosure), comprising: a plurality of light-emitting layers 4; and a plurality of electrode layers 2/3 (and/or 5c), the light-emitting layers including three types of light-emitting layers corresponding to the three colors red, green, and blue, and the thicknesses of the electrode layers being individually set corresponding to the regions on which light from the three types of light-emitting layers is incident.

Claim 6 is thus rejected under 35 U.S.C. 102(e) as being anticipated by Shimoda.

With respect to dependent claim 9, Shimoda discloses that light-emitting devices are used in electronic apparatus (see column 15, lines 59-65).

Claim 9 is thus rejected under 35 U.S.C. 102(e) as being anticipated by Shimoda.

With respect to independent claim 11, Shimoda discloses a method of manufacturing a light-emitting device (see the entire patent, including the Fig. 1 disclosure), comprising: disposing a first electrode 2/3 above a substrate 1; disposing a light-emitting layer 4 above the first electrode; disposing a second electrode 5/6/7, including a transparent layer 5 to transmit the light from the light-emitting layer and a reflective layer 7 to reflect the light, above the light-emitting layer; and setting the thickness of the transparent layer so that light extracted through at least the substrate out of light emitted in the light-emitting layer has a predetermined chromaticity value (see column 6, lines 61-67, for example).

Claim 11 is thus rejected under 35 U.S.C. 102(e) as being anticipated by Shimoda.

With respect to independent claim 14, Shimoda discloses a method of manufacturing a light-emitting device (see the entire patent, including the Fig. 8 disclosure), comprising: disposing a plurality of light-emitting layers 4 including three types of light-emitting layers corresponding to the three colors red, green, and blue, above a substrate 1; disposing a plurality of electrode layers 5c above the light-emitting layers; and individually setting the thicknesses of the electrode layers to correspond to the regions on which light from the three types of light-emitting layers is incident.

Claim 14 is thus rejected under 35 U.S.C. 102(e) as being anticipated by Shimoda.

Claims 2, 10, 12, 13 and 15 are allowable over the prior art of record.

Registered practitioners can telephone the examiner at (571) 272-1843. Any voicemail message left for the examiner must include the name and registration number of the registered practitioner calling, and the Application/Control (Serial) Number. Technology Center 2800's general telephone number is (571) 272-2800.


Mark V. Prenty
Primary Examiner